

Remarks/Arguments:

This is in response to the Office Communication dated June 12, 2006. Preliminarily, it is noted that a number of formality objections were raised in the Office Communication regarding the amendment filed on June 10, 2004. These have been addressed and are discussed in detail below. The applicants wish to thank the Examiner for the courtesy shown to their representative by leaving a voicemail message addressing how to comply with the requirement in 37 C.F.R. § 1.173(c) that applicants submit support for claim changes. The Examiner stated that once support is shown for lower numbered claims (for example, claim 43) Applicants can rely upon that showing of support in later numbered claims (for example, claims 47 and 48) without the need to repeat verbatim the support cited for the earlier numbered claim.

Compliance With 37 C.F.R. § 1.173(b)

The manner of making amendments in a reissue application as specified in 37 C.F.R. §§ 1.173(b) and 1.173(d) and in MPEP § 1453 is now met by underlining claims 43-58.

Compliance With 37 C.F.R. § 1.173(c)

The "status of claims and support for claim changes" requirements enumerated in 37 C.F.R. § 1.173(c) are now met with the following comments. Specifically, the claim status of each pending claim 1-30 and 40-58 is indicated on the attached sheets, with claims 31-39 indicated as canceled without prejudice and the underlining of claims 43-58 indicating that they are new.

Support for the added claims is contained in the patent at least in the portions of the specification identified below.

Claim 43

"an endoluminal support device": Referring to Fig. 29, for example, the support device begins at the left side of the indent identified by reference number 124 (col. 12, line 33) and terminates on the right side at the end of legs 109, 113.

"a radially-expandable, bifurcated support": See, e.g., col. 10, lines 65-67 and col. 11, lines 11-15 which state that the various components of the embodiments of this invention are expandable and include a bifurcated expandable graft. See, also, col. 13, line 59-col. 14, line 13 which state that the grafts of the invention are expandable by the application of radially outwardly directed forces from a smaller diameter configuration to a larger diameter configuration.

"a first support portion": Figs. 21-25, 29, 30. Indents 124, 125 (referred to at col. 12, lines 32-33) define branched passageways with openings 126, 127 (referred to at col. 12, lines 38-42). Referring to Fig. 29, for example, a first support portion is in the area to which reference number 124 is pointing.

"a second support portion including a first lobe and a second lobe and a longitudinal isthmus between the first lobe and the second lobe": Referring to Figs. 25, 29, and 30, for example, a second support portion is in the area where the components 108, 115 are inserted into the legs 109, 113. (Col. 12, lines 38-42 describe the sliding engagement) The legs 109 and 113 in this area comprise a first lobe and a second lobe. Figs. 29, 30, for example, show a longitudinal isthmus between the two lobes. See also, col. 11, line 31-col. 12, line 43.

"the first and second lobes having smaller diameters than the first portion": Fig. 29 shows this feature. See also, col. 15, lines 9-12, which states that the leg portions each have a diameter that is less than the diameter of the main body.

"a liner coupled to the radially-expandable, bifurcated support": The use of liners is disclosed at various portions the patent. See, for example, col. 3, lines 2-5; col. 13, lines 63-66; col. 14, lines 48-52.

"the endoluminal support device has an uninterrupted cross-section over its entire length": The cross-section of the support device is uninterrupted from the left side of indent 124 to the right side end of legs 109, 113. See, for example, Figs. 25, 29, 30.

Claim 44: See, for example, col. 3, lines 2-5; col. 12, lines 26-31 and Fig. 23; col. 14, lines 48-51.

Claim 45: See, for example, col. 3, lines 2-5; col. 14, lines 48-51

Claim 46: See, Figs. 20, 21, 29; col. 12, lines 32-42, which states that leg components slid into branched passageways.

Claim 47: Applicants incorporate by reference the disclosure citations for claim 43. The distal support portion and the proximal support in claim 47 correlate at least to the first and second support portions, respectively, in claim 43. At least the following disclosure teaches that the liner is bifurcated: col. 3, lines 12-16; col. 11, line 31-col. 12, line 19.

Claim 48: See the citations for claim 44, which are incorporated by reference.

Claim 49: See the citations for claim 45, which are incorporated by reference.

Claim 50: See, for example, col. 3, lines 44-45; col. 11, lines 12-13; col. 13, lines 21-30.

Claim 51: Applicants incorporate by reference the disclosure citations identified for claims 43 and 47.

Claim 52: See the citations for claim 44, which are incorporated by reference.

Claim 53: See the citations for claim 45, which are incorporated by reference.

Claim 54: Applicants incorporate by reference the disclosure citations for claims 43 and 47.

Claim 55: See the citations for claim 45, which are incorporated by reference.

Claim 56: See col. 11, lines 55-57, which states that it is not required to attach the trunk component 101 with tubular components 108, 115 together. See, also, col. 12, lines 4-9, which states that if a telescopic joint or other means is not used to relieve stress, a considerable amount of stress can be placed on anchoring sites and/or attachment components. It is therefore inherent that the distal support can be (but need not be) coupled to the main body using an attachment mechanism. That is, components can be coupled telescopically or may be attached to each other. An attachment embodiment is further supported by col. 12, lines 39-42 which explains that leg component 115 "expansively fits within opening 127 of the leg component 115 [sic]." "Expansive fitting" supports the recitation of "an attachment mechanism." In addition, referring to Figs. 31 and 32, liner 122c has a body portion 123c and legs 109c, 113c. Each leg 109c, 113c of the liner is secured to stent component 121c at adhesion zones 124c and 125c. (col. 12, lines 50-67).

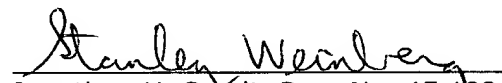
Claim 57: See the citations and explanation for claim 56, which are incorporated by reference. See also, Figs. 25 and 29 and col. 12, lines 32-42. Figs. 25 and 29 show that a lobe of the support (the portion of trunk component near the reference number 124) and a portion of indents 124 and 125 are attached to branch 113.

Claim 58: See the citations and explanation for claim 57, which are incorporated by reference. Here, a second lobe of the support and a portion of indents 124 and 125 are attached to branch 109.

Conclusion

The applicants respectfully assert that they have now complied with all of the requirements for reissue applications contained in 37 C.F.R. and MPEP § 1453. A notice of allowance of a Reissue Patent with claims 1-30 and 40-58 is respectfully requested.

Respectfully submitted,


Jonathan H. Spadt, Reg. No. 45,122
Stanley Weinberg, Reg. No. 25,276
Attorneys for Applicants

SW/dhm

Dated: July 12, 2006

☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

July 12, 2006

